

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr.M.P. No. 343 of 2026**

1. Rewanti Devi, aged about 43 years, wife of Saryu Bhuiyan @ Sarju Bhuiyan
2. Sarju Bhuiyan @ Saryu Bhuiyan, aged about 47 years, son of late Dukhan Bhuiyan
3. Karan Bhuiyan @ Karan Kumar, aged about 30 years, son of Sarju Bhuiyan @ Saryu Bhuiyan

.... Petitioners

Versus

The State of Jharkhand

.... Opp. Party

**P R E S E N T**

**HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

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|                     |                                     |
|---------------------|-------------------------------------|
| For the Petitioners | : Mrs. Jasvindar Mazumdar, Advocate |
|                     | : Mr. Rohan Mazumdar, Advocate      |
| For the State       | : Mr. V.K. Vashistha, Spl. P.P.     |

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***By the Court:-***

1. Heard the parties.
2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 528 of B.N.S.S., 2023 with twin prayers i.e. to quash the orders dated 21.05.2025 and 19.09.2025 passed by the learned Chief Judicial Magistrate, Chatra in connection with Sadar (Chatra) P.S. Case No. 119 of 2023, corresponding to G.R. No. 1045 of 2023 whereby and where under, respectively non-bailable warrant of arrest and proclamation under Section 82 of Cr.P.C. has been passed.

3. It is submitted by the learned counsel for the petitioners that the petitioners do not want to press the prayer to quash the order dated 21.05.2025 and confine the prayer only to quash the order dated 19.09.2025 passed in the said case by the learned Chief Judicial Magistrate, Chatra.
4. Accordingly, the prayer to quash the order dated 21.05.2025 is rejected as not pressed.
5. So far as the prayer to quash the order dated 19.09.2025 is concerned, it is submitted by the learned counsel for the petitioners that since the learned Chief Judicial Magistrate, Chatra has passed the impugned order *dehors* the settled principle of law by not fixing the time and place for appearance of the accused person concerned, in respect of whom the proclamation was directed to be issued, hence, it is submitted that the order dated 19.09.2025 passed by the learned Chief Judicial Magistrate, Chatra in connection with Sadar (Chatra) P.S. Case No. 119 of 2023, corresponding to G.R. No. 1045 of 2023 be quashed and set aside.
6. Learned Special Public Prosecutor on the other hand opposes the prayer and submits that the petitioners were supposed to appear before the learned trial court during court hours after 30 days of the promulgation of the proclamation therefore, no illegality has been committed by the court concerned. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.
7. Having heard the submissions made at the Bar and after going through the materials in the record, it is pertinent to mention here

that by now it is a settled principle of law that the court which issues the proclamation under Section 82 of Cr.P.C. must record its satisfaction that the accused in respect of whom the proclamation under Section 82 of Cr.P.C. is made, is absconding or concealing himself to evade his arrest and in case the court decides to issue proclamation under Section 82 of Cr.P.C., it must mention the time and place for appearance of the accused person concerned, in the order itself by which the proclamation under Section 82 of Cr.P.C. is issued.

8. Now coming to the facts of the case, as already indicated above since the learned Chief Judicial Magistrate, Chatra in the impugned order dated 19.09.2025 has neither recorded its satisfaction that the petitioners are absconding or concealing themselves to evade their arrest nor fixed any time or place for appearance of the petitioners who are the accused persons of this case, this Court has no hesitation in holding that the continuation of the order dated 19.09.2025 so far as it relates to the petitioners of this case, is not sustainable in law and the same will amount to abuse of process of law. Therefore, this is a fit case where the order dated 19.09.2025 passed by the learned Chief Judicial Magistrate, Chatra in connection with Sadar (Chatra) P.S. Case No. 119 of 2023, corresponding to G.R. No. 1045 of 2023 be quashed and set aside *qua* the petitioners.
9. Accordingly, the order dated 19.09.2025 passed by the learned Chief Judicial Magistrate, Chatra in connection with Sadar

(Chatra) P.S. Case No. 119 of 2023, corresponding to G.R. No. 1045 of 2023, is quashed and set aside *qua* the petitioners.

10. The learned Chief Judicial Magistrate, Chatra may pass a fresh order in accordance with law.
11. In the result, this criminal miscellaneous petition is allowed to the aforesaid extent only.

**(Anil Kumar Choudhary, J.)**

High Court of Jharkhand, Ranchi  
Dated the 12<sup>th</sup> February, 2026  
AFR/Sonu-Gunjan/-

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